

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
UNIVERSITY CHEVROLET,)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 264

FINDINGS OF FACT,
CONCLUSION AND ORDER

A formal hearing on the appeal of Howard K. Anderson, owner of University Chevrolet, to Notice of Civil Penalty No. 623 of \$25.00 for an alleged violation of respondent's smoke emission regulations, came before Board members W. A. Gissberg and James T. Sheehy on March 19, 1973 in Seattle, Washington. Appellant appeared pro se and respondent appeared through its attorney, Keith D. McGoffin.

Having reviewed the transcript of the testimony and the exhibits, the Pollution Control Hearings Board prepared Proposed Findings of Fact, Conclusion and Order which were submitted to the appellant and respondent

on May 11, 1973. No objections or exceptions to the Proposed Findings, Conclusion and Order having been received, the Pollution Control Hearings Board makes and enters the following

FINDINGS OF FACT

I.

Howard K. Anderson is the owner of University Chevrolet which is located on property in the University District of Seattle, King County, Washington. On January 2, 1973 he caused or allowed black smoke to be emitted from the boiler stack for a period of at least eight minutes of a shade equal to No. 3 on the Ringelmann Chart.

II.

Section 9.03(a) of respondent's Regulation I makes it unlawful to cause or allow the emission of an air contaminant for more than three minutes in any hour which is darker in shade than that designated as No. 2 on the Ringelmann Chart.

III.

The cause of the excessive smoke emission was caused by "thin" oil which was corrected shortly after the violation occurred. Appellant has instituted a smoke emission monitoring program and now knows of Section 9.16 of respondent's Regulation I. Having had no previous violations, the Board makes the following

CONCLUSION OF LAW

Appellant violated respondent's Regulation I on January 2, 1973, but it is equitable in view of all of the circumstances that the fine be stricken.

From which follows this

FINDINGS OF FACT,
CONCLUSION AND ORDER

1 DECISION AND ORDER

2 The fine of \$25.00 in Notice of Civil Penalty No. 623 be and it
3 is ordered stricken.

4 DONE at Lacey, Washington this 14~~th~~ day of June, 1973.

5 POLLUTION CONTROL HEARINGS BOARD

6 Walt Woodward
7 WALT WOODWARD, Chairman

8 W. A. Gissberg
9 W. A. GISSBERG, Member

10 James T. Sheehy
11 JAMES T. SHEEHY, Member

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 FINDINGS OF FACT,
27 CONCLUSION AND ORDER